

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**TRANSFIRST GROUP, INC. f/k/a  
TRANSFIRST HOLDINGS, INC.,  
TRNASFIRST THIRD PARTY  
SALES, LLC f/k/a TRANSFIRST  
MERCHANT SERVICES, INC., and  
PAYMENT RESOURCES  
INTERNATIONAL, LLC,**

**Plaintiffs,**

**v.**

**DOMINIC J. MAGLIARDITI,  
FRANCINE MAGLIARDITI, in her  
individual capacity, and as trustee of  
FRM TRUST, DJM IRREVOCABLE  
TRUST, and the FANE TRUST, ATM  
ENTERPRISES, LLC, DII CAPITAL,  
INC., DFM HOLDINGS, LTD., DFM  
HOLDINGS, LP, DII PROPERTIES  
LLC, MAGLIARDITI, LTD.,  
CHAZZLIVE.COM, LLC, and  
SPARTAN PAYMENT SOLUTIONS,  
LLC,**

**Defendants.**

**CIVIL ACTION NO. 3:16-cv-01918-L**

**DEFENDANT DOMINIC J. MAGLIARDITI'S RULE 12 MOTION TO DISMISS  
FOR LACK OF PERSONAL JURISDICTION, IMPROPER VENUE AND FOR  
FAILURE TO STATE A CLAIM, MOTION FOR MORE DEFINITE  
STATEMENT, AND MOTION TO STRIKE**

Pursuant to Federal Rule of Civil Procedure 12, Defendant Dominic J. Magliarditi ("Dominic Magliarditi") files this Rule 12 Motion to Dismiss for Lack of Personal Jurisdiction, Improper Venue and for Failure to State a Claim, Motion for More Definite Statement, and Motion to Strike, supported by the contemporaneously filed Brief which is incorporated herein by reference.

**DEFENDANT DOMINIC J. MAGLIARDITI'S RULE 12 MOTION TO DISMISS FOR LACK OF  
PERSONAL JURISDICTION, IMPROPER VENUE AND FOR FAILURE TO STATE A CLAIM,  
MOTION FOR MORE DEFINITE STATEMENT, AND MOTION TO STRIKE**

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For the reasons set forth in the Brief, Defendant Dominic Magliarditi requests that the case be dismissed for lack of personal jurisdiction, improper venue and/or for failure to state a claim. Alternatively, Dominic Magliarditi requests the Court grant his Rule 12(e) Motion for More Definite Statement and his Rule 12(f) Motion to Strike, and grant him all such other and further relief to which he may be entitled.

Dated: August 5, 2016

Respectfully submitted,

**GRUBER ELROD JOHANSEN HAIL SHANK, LLP**

By: /s/ Brian N. Hail

Brian N. Hail

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**ATTORNEYS FOR DEFENDANT AND  
JUDGMENT DEBTOR DOMINIC J.  
MAGLIARDITI**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing has been served upon counsel of record this 5th day of August, 2016.

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/s/ Brian N. Hail

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